

FILED

April 29 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. PR 06-0120

FILED

APR 29 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

STATE OF MONTANA,

Plaintiff,

v.

GORDON MICHAEL SEES THE GROUND, JR.,

Defendant.

ORDER

Gordon Michael Sees The Ground, Jr., has filed a pro se motion to disqualify the Honorable Gregory R. Todd, along with the four other district court judges in the Thirteenth Judicial District Court, from that court's Cause No. DC 08-0695.

Pursuant to § 3-1-805, MCA, a motion for disqualification for cause must allege facts showing personal bias or prejudice of the presiding judge, must be in affidavit form, and must be accompanied by a certificate of counsel of record that it has been made in good faith. Further, any affidavit which is not in proper form and which does not allege facts showing personal bias or prejudice may be set aside as void.

In this case, Sees The Ground alleges that Judge Todd presided in another case in which he may be a witness to alleged perjury and that Judge Todd may have witnessed a crime that may have been committed by a former attorney for the defense.

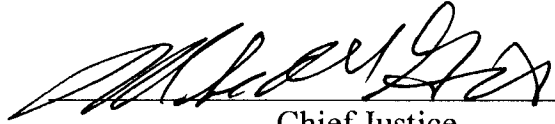
The motion to disqualify is not in affidavit form and is not accompanied by a certificate of Sees The Ground's counsel of record in District Court Cause No. DC 08-0695 that it has been made in good faith. Furthermore, even if those requirements had been met, the motion does not allege facts showing personal bias or prejudice of Judge Todd or any of the other district judges of the Thirteenth Judicial District Court.

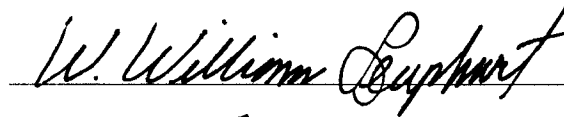
THEREFORE,

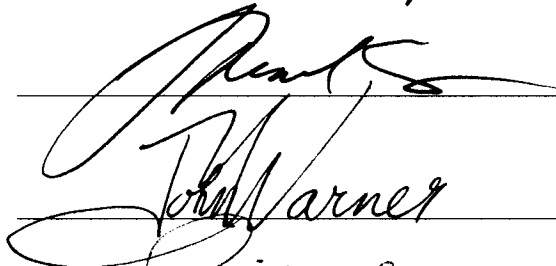
IT IS ORDERED that the motion for disqualification for cause filed by Gordon Michael Sees The Ground, Jr., is set aside as void.

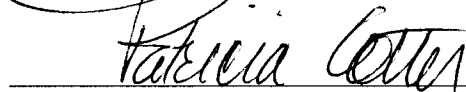
The Clerk is directed to provide copies of this Order to Gordon Michael Sees The Ground, Jr., to the Honorable Gregory R. Todd, and to the Clerk of Court for Yellowstone County for distribution to all counsel of record in that court's Cause No. 08-0695.


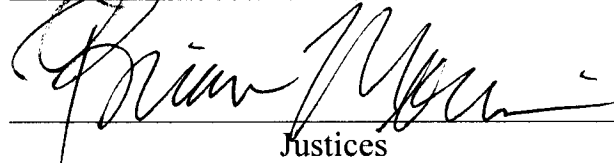
DATED this 28 day of April, 2009.


Chief Justice


W. William Ruppert


John Varner


Patricia Cotto



Justices

COPY

PR 06-0120

Rec'd 4-16-09

4/28
WWL
(ev)
(X)

Gordon Michael Sees The Ground, Jr., Pro Se
C/O Yellowstone County Detention Facility
3165, Billings , Montana

STATE OF MONTANA,	:	Case No.: DC 08-0695
	:	
Plaintiff,	:	Motion for Disqualification and
	:	Affidavit
vs.	:	
	:	
Gordon Michael Sees The Ground,	:	
	:	
Jr , ,	:	
	:	
Defendant	:	

Come now, Defendant Pro Se, Moves to disqualify Gregory R. Todd, Chief Judge for the thirteenth judicial district court, Yellowstone County, from this case, along with the four other district court judges, of this multi judge court and assigned a district court judge from another district court, pursuant to 2007 MCA 3-1-805. Disqualification for cause, because aura may constitute Bias or prejudiced, for the following reason(s).

Gregory R. Todd, chief judge presided in case no 08-0069 a trial on Dec 11th and 12th ,2008 ,when the alleged offense of perjury occurred and he may be a witness for both parties ,either for the plaintiff or the defendant as this case unfolds and may reveal evidence that is in favor of the defense.

Further more ; Gregory R. Todd may have witnessed a crime that may have been committed by Marvin S. McCann, former attorney for the defense ^{may} ~~by~~ soliciting perjury and an investigation must commence , pursuant to rule 8.3 reporting professional misconduct, pursuant to Montana Rules of professional conduct and article VII, section 2 of the 1972 Montana Constitution. In the above case , Trial is set for May 18, 2009 and the defendant has no choice and is forced to submit this pro se motion in good faith , because Attorneys for the defense deceitfully delaying this issue not to be addressed in a timely fashion where there is grounds for disqualifying Gregory R. Todd from this case and prevent a fair impartial jury trial or hearing(s), because of the reasons stated in this motion that may constitute ^{collusion} ~~coercion~~ and prosecutorial misconduct along with the defense attorney(s) , including Gregory R. Todd , District Court Judge. On attorney saving another attorney. See motions by Marvin S. McCann , attorney at law .P.o. box 50562 Billings Montana ,59105; entitled "motion to withdraw as counsel of record "Dated ^{22nd} Dec ~~12~~ 2008 , and subsequently submitted notice entitled "notice of substitution of counsel "dated January 12 , 2009 , an "order" by Chief Judge Gregory R. Todd granting McCann Motion(s) dated ^{December 31st} ~~January 13~~, 2009 when an investigation is lodged Gregory R. Todd could be a witness to a crime committed

This potential misconduct by Marvin S. McCann is not reported to appropriate authorities by other attorneys or by Gregory R. Todd , chief judge of the thirteenth judicial district court and by their omission of this unprofessional conduct constitutes aura is possible for bias ~~on~~^{or} prejudiced for disqualifying Gregory R. Todd ~~Rated~~ from this case .

Dated this 14th day of April,
2009

Gordon Michael Sees
Gordon Michael Sees
The Ground, Jr.
C/O Y.C.D.F.
3165 KING AVENUE
EAST
BILLINGS, MONTANA
59101
DEFENDANT PRO SE

Certificate of Service

This is to certify that a true and accurate original is delivered via U.S. mail to the clerk of court, thirteenth judicial court, and copies of it's original form to the following parties, dated this 14th day of April, 2009. (Yellowstone county detention facility does not make copies for legal documents, requested by defendants.)

Carol Muesig
Clerk of court
Thirteenth Judicial District
State of Montana
P.O. Box# 35026
Billings MT. 59107

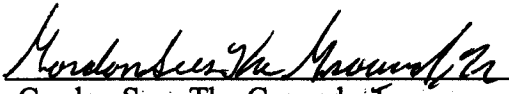
ED SMITH
Clerk of the Supreme Court
P.O. Box 203003
Helena, Montana 59620-3003

Marvin S. McCann
Attorney at law
P.O. Box 50562
Billings MT. 59105
PH : (406)-373-9053

Victoria Callender
Deputy county attorney
Yellowstone County
P.O.Box#35025
Room 701, courthouse
Billings MT. 59107

Gregory R. Todd
Chief Judge of the thirteenth
Judicial district
Yellowstone County Courthouse
Billings MT. 59107

Lance Lundvall
Lundvall law office
2722 3rd ave. north ste. 400
Billings MT. 59101
PH: (406)-294-0515


Gordon Sees The Ground, Jr.
Pro Se Defendant